

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

ANJANA GATTANI, professionally known
as ANJU GATTANI, an individual,

Case No. 1:21-cv-07075

Plaintiff,

v.

SCARSDALE PUBLISHING, LTD.,
a New York corporation; SHARONA
WILHELM, also known as SHAWN
WILHELM an individual; KIMBERLY
COMEAU, also known as KIMBERLY
COMEAU YAGER, an individual, and
DOES 1-10

Defendants.

**[PROPOSED] ORDER ON EX PARTE APPLICATION FOR EXTRAORDINARY
RELIEF IN THE FORM OF A TEMPORARY RESTRAINING ORDER AND
ORDER TO SHOW CAUSE**

[PROPOSED] ORDER:

FOR GOOD CAUSE APPEARING, THE FOLLOWING IS HEREBY ORDERED:

Plaintiff, having moved *ex parte* against Defendants for a temporary restraining order, order to show cause for a preliminary injunction, and order expediting discovery, under the Copyright Act, 17 U.S.C. §101 *et seq.*; under the Lanham Act, 15 U.S.C. §1051, *et seq.*; and under the laws of the State of New York, for ~~the reasons that Defendants appear to be~~ manufacturing, offering for sale and/or selling an electronic book entitled "Lethal Secrets" which contains text, the copyright in and to which is owned by Plaintiff, and bearing authorship attributions falsely designating its origin (the "Infringing Book"), and the Court having reviewed the memoranda of law, moving papers, exhibits, and declarations submitted by Plaintiff, ~~THE COURT FINDS it clearly appears that Plaintiff is likely to succeed in showing that Defendants are using infringements of Plaintiff's copyright and trademark in connection with the manufacture, distribution, offer for sale and/or sale of Infringing Book, all in violation of the Copyright Act, the Lanham Act and laws of the State of New York.~~

THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Defendants, and each of them, and any person acting in concert with them who is served with a copy of this Order (hereinafter collectively referred to as "Defendants") shall show cause, unless any of Defendants waive their right to do so, before the Honorable

Kenneth M. Karas _____, Judge of this Court, in Courtroom 521 at the United States Courthouse, Southern District of New York, 500 Pearl Street, New York, NY 10007, 300 Quarropas Street, White Plains, NY 10601

TEMPORARY RESTRAINING ORDER AND ORDER TO SHOW CAUSE RE: PRELIMINARY INJUNCTION; ORDER PREVENTING THE FRAUDULENT TRANSFER OF ASSETS; ORDER FOR EXPEDITED DISCOVERY

on 9/10/21 at 3 pm or as soon thereafter as counsel can be heard, why an Order should not be entered granting Plaintiff a preliminary injunction pursuant to Federal Rule of Civil Procedure 65, the Copyright Act, and Section 34 of the Lanham Act enjoining and restraining Defendants, their officers, agents, servants, and employees and any persons in active concert or participation with them from:

(A) using Plaintiff's copyright or trademark, trade name, or trade dress, or any reproduction, counterfeit, copy, or colorable imitation of Plaintiffs' trademark, trade name, or trade dress, or any trademark, trade name, or trade dress confusingly similar thereto, in connection with the manufacture, distributing, offering for sale and/or sale of the Infringing Book or any other book manufactured, distributed or sold by Defendants; and

(B) committing any other acts calculated to cause purchasers to believe Defendants' Infringing Book is authorized or approved by Plaintiff; and

(C) shipping, delivering, holding for sale, offering for sale, selling, distributing, returning, transferring and/or otherwise moving or disposing of in any manner the Infringing Book.

~~AND IT APPEARING to the Court that Defendants are about to distribute and/or are distributing and selling the Infringing Book from various locations in this District, it is further~~

~~ORDERED, ADJUDGED AND DECREED that pending the hearing on Plaintiff's application for a preliminary injunction, Defendants, their agents, servants, employees, confederates, attorneys, the presently unnamed various Doe Defendants, and any persons acting~~

TEMPORARY RESTRAINING ORDER AND ORDER TO SHOW CAUSE RE: PRELIMINARY INJUNCTION; ORDER PREVENTING THE FRAUDULENT TRANSFER OF ASSETS; ORDER FOR EXPEDITED DISCOVERY

in concert or participation with them, or having knowledge of this Order by personal service or
otherwise be, and they hereby are, temporarily restrained from committing any of the acts set
forth in paragraphs (A), (B) and/or (C) of the preceding section; and moving, destroying, or
otherwise disposing of any Infringing Book, labels, or documents relating to or bearing
Plaintiff's copyright or trademark or any colorable imitation of same or any trademark
confusingly similar thereto; or removing, destroying, or otherwise disposing of any machinery,
apparatus, business records or documents relating in any way to the manufacture, distribution,
offering for sale and/or sale of Infringing Book or other items containing Plaintiff's copyright or
bearing Plaintiff's trademark or any colorable imitation of same or any trademark confusingly
similar thereto; and it is further

ORDERED that this Temporary Restraining Order shall remain in effect until the date for
hearing on the Order to Show Cause set forth above, or such further dates as set by the Court,
unless Defendants stipulate or have not objected to the preliminary injunction; and it is further

ORDERED that Defendants' answering papers, if any, shall be filed with the Clerk of
this Court and served upon the attorney for Plaintiff by delivering copies thereof to the Law
Office of Paul S. Levine, 1054 Superba Avenue, Venice, CA 90291-3940 on or before
September 1, 2021. Any response shall be filed and served by Plaintiff on or before
September 7, 2021; and it is further Ordered that Plaintiff is to serve this Order and all
papers in support of the application for this Order on Defendants by 8/26/21.

ORDERED that during the pendency of this action, Defendants' assets shall be frozen
and shall not be transferred, conveyed, or sold between or among Defendants or to any third
party; and it is further

ORDERED that discovery herein may begin immediately and Plaintiff be permitted,
immediately after service of the Court's order, to inspect and copy Defendants' records of the
4 -[Proposed] Order

purchase, manufacture, and sale of Infringing Book and, thereafter, to take depositions of the persons responsible for Defendants' business.

DEFENDANTS ARE HEREBY GIVEN NOTICE that failure to attend the hearing(s) scheduled herein shall otherwise extend for the pendency of this litigation, the relief requested upon the same terms and conditions as this Temporary Restraining Order.

DEFENDANTS ARE HEREBY GIVEN FURTHER NOTICE that they shall be deemed to have actual notice of the issuance and terms of such Order and that any act by them or any one of them in violation of any of the terms thereof may be considered and prosecuted as contempt of this Court.

DATE: 8/25/21

BY: 

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK